

Exhibit A

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO et
al.,

Plaintiffs,

v.

UNITED STATES OFFICE OF
MANAGEMENT AND BUDGET, et al.;

Defendants.

Case No. 3:25-cv-08302-VC

**MOTION FOR TEMPORARY
RESTRAINING ORDER AND ORDER TO
SHOW CAUSE**

MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

TO ALL DEFENDANTS: PLEASE TAKE NOTICE that Plaintiffs¹ hereby move the Court pursuant to Rule 65 of the Federal Rules of Civil Procedure and Rule 65-1 of the Civil Local Rules and this Court's authority to "issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights," 5 U.S.C. §705, for a temporary restraining order and an order to show cause. Specifically, Plaintiffs ask the Court to order the following immediate and interim relief:

1. Enjoin and/or stay Defendants² and their agency heads named in their official

¹ Moving Plaintiffs are: American Federation of Government Employees, AFL-CIO ("AFGE"); American Federation of State County and Municipal Employees, AFL-CIO ("AFSCME"); AFGE Local 1236; and AFGE Local 3172.

² Defendants include the Office of Management and Budget ("OMB"), Russell Vought, in his official capacity as Director of OMB, Office of Personnel Management ("OPM"), Scott Kuper, in his official capacity as Director of OPM, the United States Department of Agriculture ("USDA"), Brooke Rollins, in her official capacity as Secretary of USDA, the United States Department of Commerce ("Commerce"), Howard Lutnick, in his official capacity as Secretary of Commerce, the United States Department of Defense ("DoD"), Pete Hegseth, in his official capacity as Secretary of DoD, the United States Department of Education ("Education"), Linda McMahon, in her official capacity as Secretary of Education, the United States Department of Energy ("Energy"), Chris Wright, in his official capacity as Secretary of Energy, the United States Department of Health and Human Services ("HHS"), Robert F. Kennedy Jr, in his official capacity as Secretary of HHS, the United States Department of Homeland Security ("DHS"), Kristi Noem, in her official capacity as Secretary of DHS, the United States Department of Housing and Urban Development ("HUD"), Scott Turner, in his official capacity as Secretary of HUD, the United States Department of Justice ("DOJ"), Pam Bondi, in her official capacity as Attorney General, the United States Department of the Interior ("Interior"), Doug Burgum, in his official capacity as Secretary of the Interior, the United States Department of Labor ("DOL"), Lori Chavez-DeRemer, in her official capacity as Secretary of Labor, the United States Department of State ("State"), Marco Rubio, in his official capacity as Secretary of State, the United States Department of Treasury ("Treasury"), Scott Bessent, in his official capacity as Secretary of Treasury, the United States Department of Transportation ("Transportation"), Sean Duffy, in his official capacity as Secretary of Transportation, the United States Department of Veterans Affairs ("the VA"), Doug Collins, in his official capacity as Secretary of the VA, the Consumer Product Safety Commission ("CPSC"), Peter Feldman, in his official capacity as Acting Chairman of the CPSC, the United States Environmental Protection Agency ("EPA"), Lee Zeldin, in his official capacity as EPA Administrator, the Equal Employment Opportunity Commission ("EEOC"), Andrea Lucas, in her official capacity as Acting Chair of the EEOC, the Federal Trade Commission ("FTC"), Andrew N. Ferguson, in his official capacity as FTC Chairman, the United States General Services Administration ("GSA"), Michael Rigas, in his official capacity as GSA Acting Administrator, the Institute of Museum and Library Services ("IMLS"), Keith E. Sonderling, in his official capacity as Acting Director of IMLS, National Aeronautics and Space Administration ("NASA"), Sean Duffy, in his official capacity as Acting Administrator for NASA, National Archives and Records Administration ("NARA"), Marcio Rubio, in his official capacity as Acting Archivist of NARA, National Endowment for the Arts ("NEA"), Mary

capacities as Defendants in this lawsuit, their officers, agents, servants, employees, and attorneys, and all persons acting by, through, under, or in concert with these Defendants, from taking any action to issue or administer any Reduction in Force (“RIF”) notices to federal employees in any PPA (program, project, or activity) that includes any bargaining unit or member represented by any Plaintiff during or because of the federal government shutdown, including but not limited to by taking any action to implement or enforce the OMB Lapse Memorandum (dated September 24, 2025), the portions of the related OPM Guidance for Shutdown Furloughs (as revised September 28, 2025), or the related OPM “Special Instructions for Agencies Affected by a Possible Lapse in Appropriations Starting on October 1, 2025” (dated September 28, 2025) that purport to authorize administration of RIFs during a shutdown.

2. Order each Defendant to serve and file an accounting of all RIFs enjoined by this TRO within two business days, including but not limited to a description of the agency planning to impose the enjoined RIF, the number of employees intended to be included in the enjoined RIF, and description of the PPAs that Defendants included in the enjoined RIF. Order each Defendant to serve and file a declaration(s) within two business days verifying that they have complied with this Order and the steps they have taken to do so.

3. Order Defendants to show cause why the temporary restraining order should not be continued for a period of fourteen days and set a hearing at the earliest possible time and date on which the Court is available to hear argument on that issue.

Anne Carter, in her official capacity as Acting Chair of the NEA, National Endowment for the Humanities (“NEH”), Michael McDonald, in his official capacity as Acting Chairman of NEH, National Gallery of Art (“NGA”), Kaywin Feldman, in her official capacity as Director of NGA, National Science Foundation (“NSF”), Brian Stone, in his official capacity as Acting Director of NSF, National Transportation Safety Board (“NTSB”), Jennifer L. Homendy, in her official capacity as Chair of the NTSB, Nuclear Regulatory Commission (“NRC”), David A. Wright, in his official capacity as Chair of the NRC, the United States Small Business Administration (“SBA”), Kelly Loeffler, in her official capacity as Administrator of the SBA, Smithsonian Institution (“Smithsonian”), Lonnie G. Bunch III in his official capacity as Secretary of the Smithsonian, the United States Social Security Administration (“SSA”), Frank Bisignano, in his official capacity as Commissioner of the SSA, the United States International Development Finance Corporation (“DFC”), Dev Jagadesan, in his official capacity as DFC Acting Chair.

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The Motion is made on the grounds that (1) Plaintiffs are likely to prevail on their claims that OMB and OPM have exceeded statutory authority, acted contrary to law, and acted in an arbitrary and capricious manner in issuing the OMB Lapse Memorandum and associated OPM Guidance and Instructions directing federal agencies to engage in RIFs during a federal government shutdown; that OMB, OPM, and Federal Agency Defendants have or will imminently exceed statutory authority, act contrary to law, and act in an arbitrary and capricious manner by administering RIFs during shutdown of the federal government. The actions of Defendants are *ultra vires* and violate the Administrative Procedure Act (“APA”), 5 U.S.C. §706(2)(A), (C); (2) that Plaintiffs will suffer irreparable injury unless the relief requested is granted; and (3) that the balance of equities and public interest favor injunctive relief.

This Motion is supported by the accompanying Plaintiffs’ Memorandum in Support of Motion for Temporary Restraining Order; the accompanying Declarations; the accompanying Amended Complaint; and the entire record in this case. Plaintiffs have provided notice of this Motion and are serving it as set forth in the accompanying Declaration of Plaintiffs’ counsel Danielle Leonard.

Respectfully submitted,

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